

Sr. No.127

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56863-2023
Date of decision: 20th January, 2024

SATISH KUMARPetitioner

versus

STATE OF HARYANA AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sunil Agnihotri, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, D.A.G., Haryana.

Mr. Vishal Munjal, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.294 dated 02.08.2023, under Sections 354, 354-A and 506 IPC, registered at Police Station City Thanesar, District Kurukshetra (Annexure P-1), on the basis of compromise dated 02.11.2023 (Annexure P-2) between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the present FIR was registered at the instance of respondent No.2-complainant with the allegations that on 01.08.2023 at about 1:30 PM, when the complainant was in her office, the petitioner, who is working as a driver, came to her room and started molesting her and kissed her forcibly. Learned counsel for the petitioner further contends that both the parties are working in the same office and the present FIR was registered due to some misunderstanding between the parties, which has now been resolved and respondent No.2 does not want to pursue with the complaint

given by her to the Police, on the basis of which present FIR was registered. A

written compromise dated 02.11.2023 (Annexure P-2) has been executed between the parties and both the parties have accepted the terms and conditions of the said compromise. Respondent No.2 does not want to take any action against the petitioner.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties.

[4] On 09.11.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] The report dated 16.12.2023 of the Judicial Magistrate, Ist Class, Kurukshetra, through the District & Sessions Judge, Kurukshetra, has been received. As per said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:

“I have the honour to submit that in compliance to order dated 09.11.2023 passed by Hon'ble Punjab and Haryana High Court, Chandigarh in CRM-M-56863-2023 in case titled as Satish Kumar versus State of Haryana and Another pertaining to FIR No. 294 dated 02.08.2023, U/s 354, 354A. & 506 of Indian Penal Code, 1860 Police Station: City Thanesar, both complainant and accused appeared before the Court and their joint statement regarding compromise got recorded by undersigned being Illaga Magistrate, which has been duly identified by their respective counsels. Statement of Investigating Officer namely SI Ramandeep Kaur No. 661/KKR, Police Station City Thanesar, Kurukshetra has also been recorded by undersigned. Further the parties have also placed on record copy of Compromise Deed as Ex. CX.

In view of the joint statement of the parties as well as statement of Investigating Officer, this Court is satisfied that parties have voluntarily entered into the compromise, which is in the interest of parties and would bring harmony and peace between the parties. The said compromise/settlement is genuine and is not result of any pressure or coercion in any manner.”

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[7] Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

[8] The matter has been settled between the parties; the parties are major and they are working in the same office. As per the report of the Chief Judicial Magistrate, Kurukshetra, the compromise entered into between the parties is voluntary and the parties want to live in harmony and peace. The parties have given quietus to the matter, therefore, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[9] Consequently, this petition is allowed and FIR No.294 dated 02.08.2023, under Sections 354, 354-A and 506 IPC, registered at Police Station City Thanesar, District Kurukshetra (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] However, the respondent No.2-complainant and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 02.11.2023 (Annexure P-2) are violated.

[11] Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

20th January, 2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No